

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

CHARLES M. TESTERMAN,)
)
 Plaintiff,)
)
v.) 1:04CV01121
)
MBNA AMERICA BANK, N.A.,)
)
 Defendant.)

J-U-D-G-M-E-N-T

On May 5, 2005, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636(b). No objections were received by the court within the time prescribed by the statute.

The court hereby adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED AND ADJUDGED that Defendant's motion to dismiss [Pleading No. 3] be **GRANTED** and that this action be, and is hereby, dismissed with prejudice.

This the day of June 14, 2005

/s/ N. Carlton Tilley, Jr.
United States District Judge